

# FMPs and Council Process: Overview of Requirements and Steps



Council Member  
Orientation

10/31 – 11/2, 2006  
Washington, D.C

# *FMPs and the Council Process*

- ◆ Process Overview
- ◆ Added Complexities
  - ◆ Multiple Mandates
  - ◆ Multiple Parties
- ◆ Planning a Timeline



# What is Missing?



1. Management  
Need

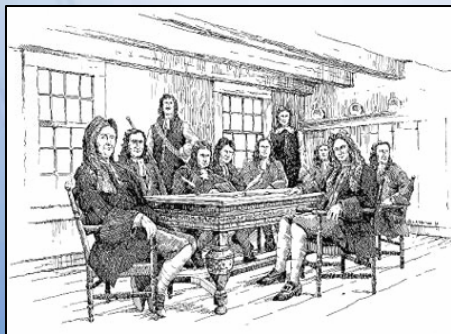
2. Council  
idea



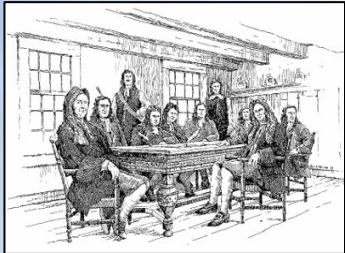
5. Ongoing Review  
And public input

3. NMFS Review

4. Implementation

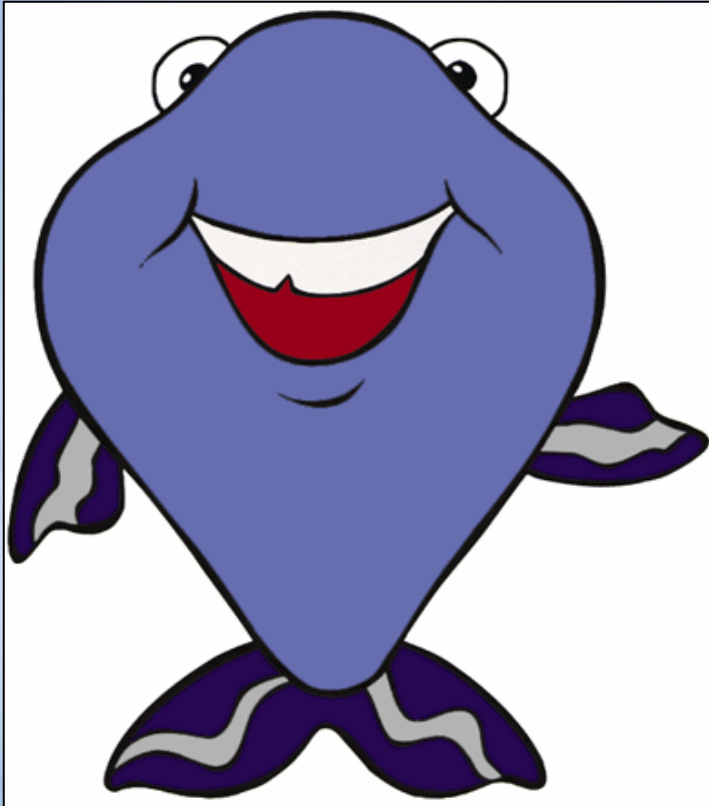


# FMP Process





# Fishery Management Plans



Must be Consistent with:

- National Standards
- FMP Components  
(Mandatory and discretionary)
- Other Applicable Law

# O.A.L. Mandates

## NEPA

- Consider Reasonable Alternatives
- EIS: analysis, public review, 45/90/30 days
- FONSI: record-based determination

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## ESA

- “No jeopardy” record-based determination
- Timing: consultation = 135 days

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## RFA

- Consider Economic Impacts and alternatives
- Certification: record-based determination

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## EO 12866

- Alternatives, Cost-benefit analysis

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## APA

- Record shows compliance with all law;
- Notice and Comment; 30-day delay

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## Others

CZMA, PRA, treaty rights, etc.

# Balancing Multiple Mandates



- *Many  
Timelines*

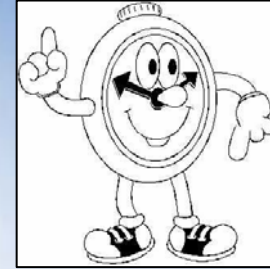
- *Many  
Parties*





# Overview of Timeline Interactions

Statutory and Regulatory  
Timelines



Logical Interactions



Clearance Requirements



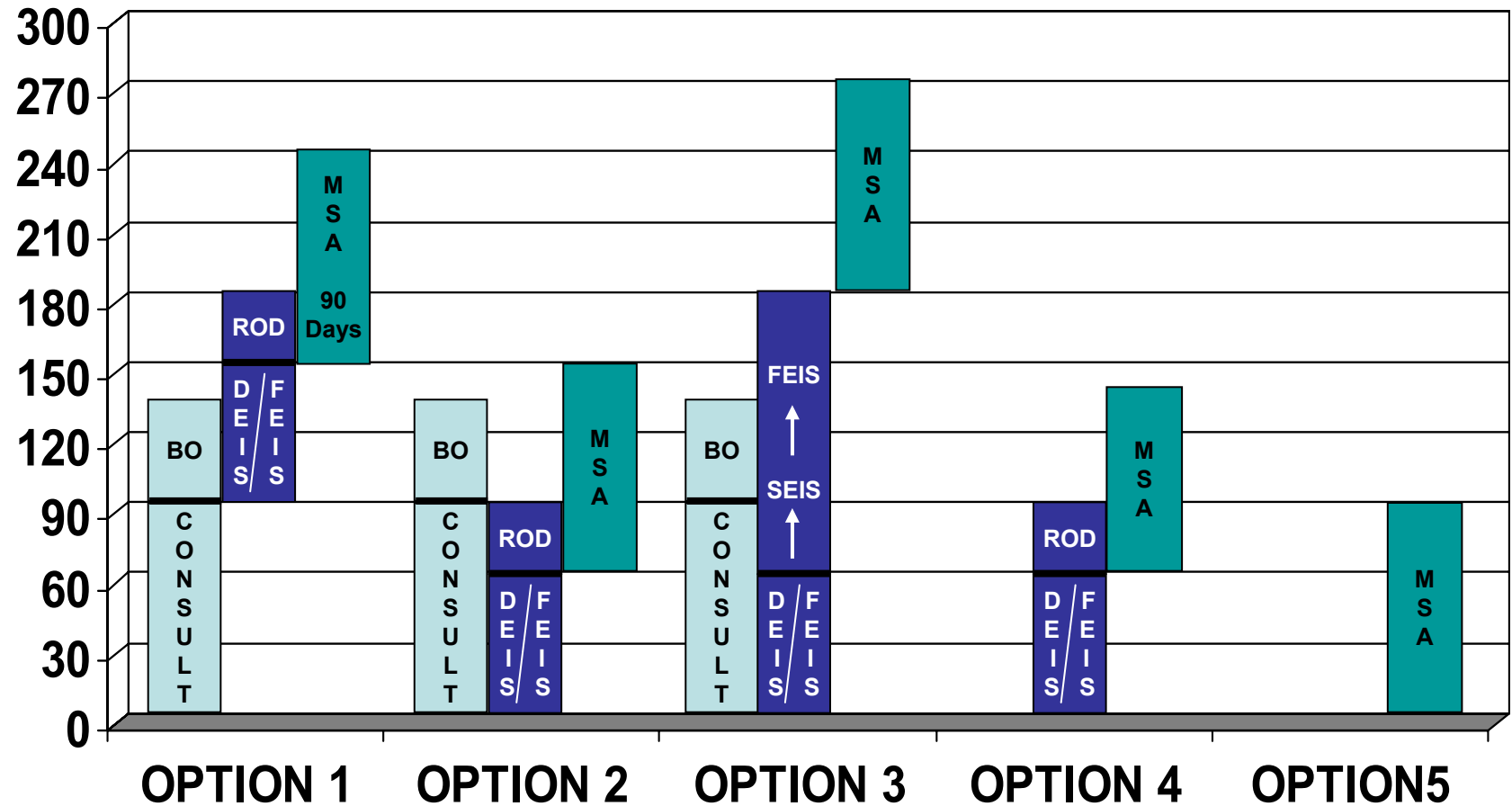
# Statutory and Regulatory Timelines

Source	Start Date	Requirement
<b>MSA</b> (FMP)	Transmittal	Day 5, Publish NOA for 60 days comment; Day 65, CPE; Day 95, Decision Day
<b>MSA</b> (Regs)	Transmittal	Day 5, begin 15 day review; Day 20, publish Pro.Rule for 15-60 days comment; Publish Fin. Rule w/30 days CPE
<b>NEPA</b>	EPA publish DEIS	Minimum 45 days comment, Minimum 90 days before ROD
<b>ESA</b>	I.D. preferred action	Minimum 90 days to consult + 45 to write B.O. (135 days)
<b>CZMA</b>	Consistency Determ. to State	Day 60 – Infer concurrence if no state response Day 90 – earliest possible decision day
<b>APA</b>	Publish Final Rule	30 day delay in effectiveness (unless waived)
<b>EO 12866</b>	Submission of Reg. Text to OMB	90 day OMB review period



# Logical Interactions

DAY



ESA

NEPA

MSA

# Clearance Requirements



Meeting of the Pacific Fishery Management Council

**Councils  
and  
NOAA  
Fisheries**



**NOAA GC  
DOC/GC**



**External Forces:  
States,  
Congress, OMB**

**Other Agencies**



# Planning a Timeline

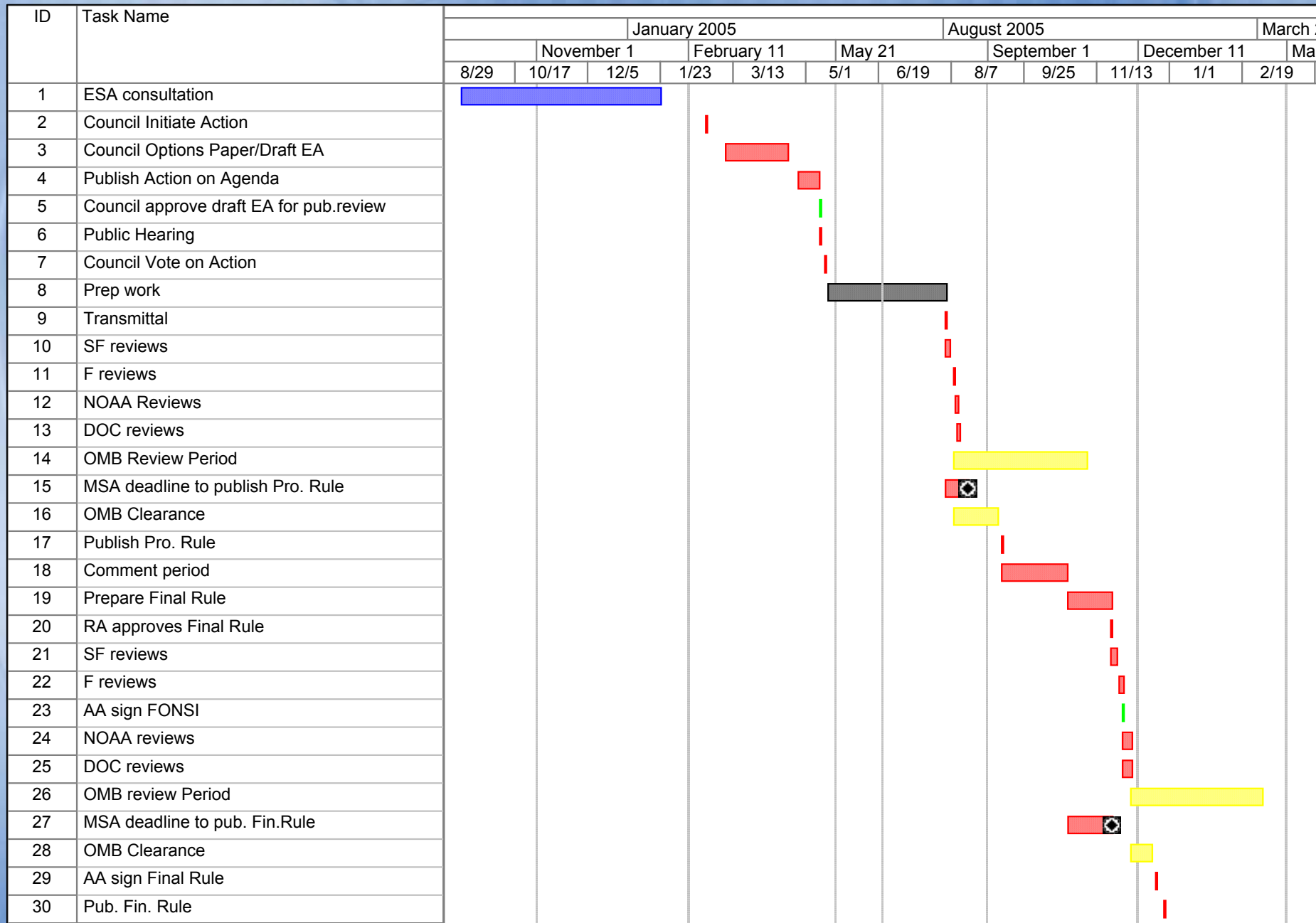
What Factors need to be considered in planning a timeline?

- Council meeting schedule
- Management Need
- Deadlines and drivers
- Logistics
- Staff Resources
- Other agency review needs...

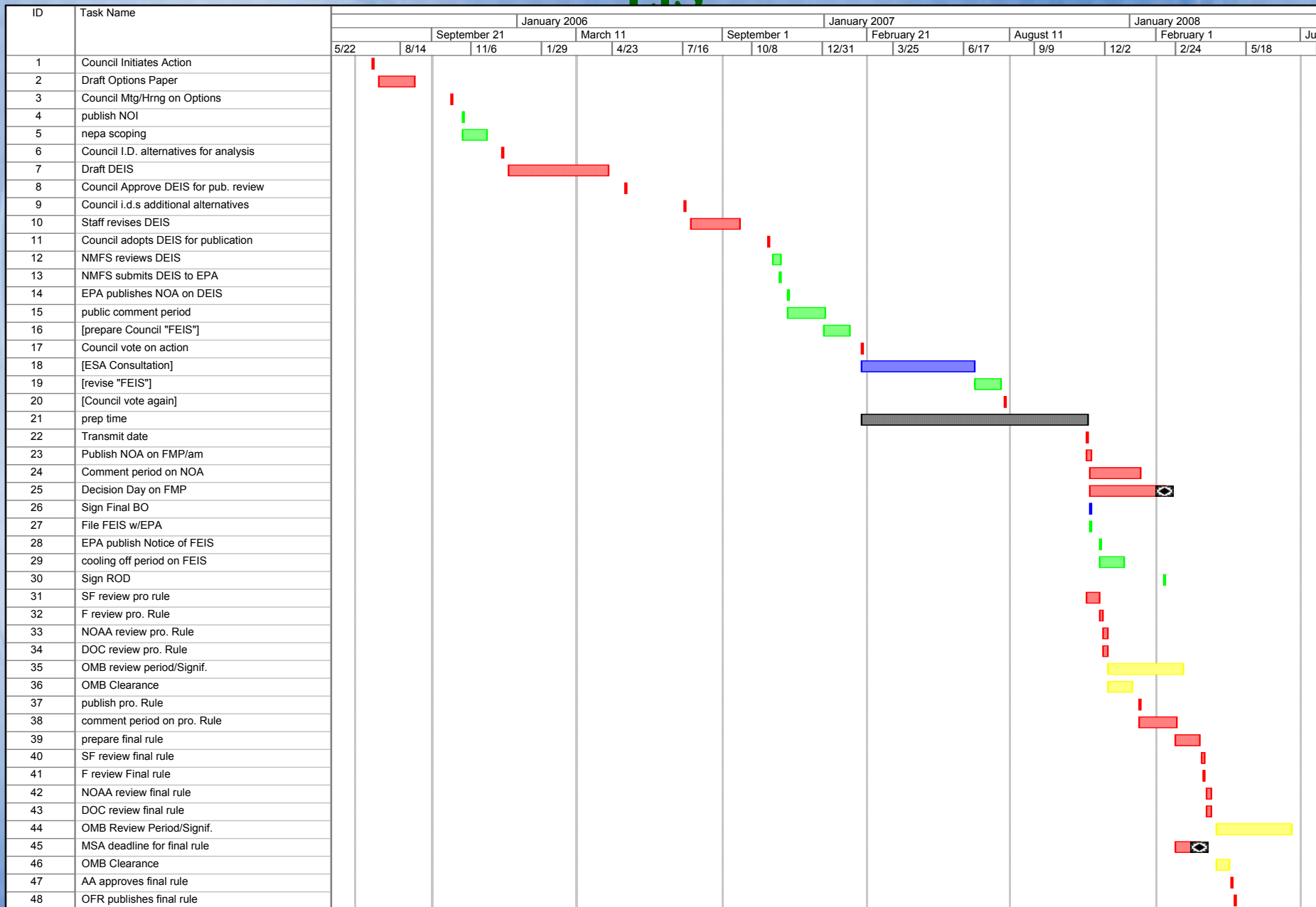




# Hypothetical Fishery Management Regulation with EA



# Hypothetical Fishery Management Regulation with EIS



# Re-Cap: Planning for Success

- We have to look beyond the MSA
- Successful fishery management requires planning and balancing

